

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION**

Rodney Lester, Plaintiff,	)	
	)	
	)	No. 17-cv-1772
	)	
v.	)	Judge Blakey
	)	
David J. Shulkin, as Secretary, U.S.	)	
Department of Veterans Affairs,	)	
U.S. Department of Veterans Affairs.	)	

NOW COMES Plaintiff, Rodney Lester, and for his motion for an award of attorneys' fees, expenses and costs pursuant to 42 U.S.C. §1988 and 42 U.S.C. 2000e-5, states:

1. That Plaintiff in this cause was represented by attorneys Justin G. Randolph and Philip S. Holloway.
2. That Plaintiff is a prevailing party as judgment was entered in her favor on March 25, 2013 after a jury trial and is entitled to an award of her attorneys fees, costs and expenses pursuant to 42 U.S.C. §1988 and Title VII, 42 U.S.C. §2000e-5(k) and 42U.S.C. §1988. The Supreme Court has repeatedly instructed that plaintiffs who succeed in civil rights actions should recover a fully compensatory award of fees and expenses. *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983); *Riverside v. Rivera*, 477 U.S. 561, 570 (1986); *Blum v. Stenson*, 465 U.S. 886, 897 (1984).
3. That Plaintiff has incurred \$269, 950.50 in fees and \$2,420.88 in costs. A table of the time spent by Plaintiff in pursuing his claims is attached to the memorandum in support of this petition, as Group Exhibit A and documents supporting costs are

attached as Group Exhibit B.

4. The parties met on November 1, 2018 to discuss damages and fees, generally providing the types of damages sought and the amount of fees. On November 12, 2018 Plaintiff provided Defendant with the total hours on incurred. Defendant has not yet indicated what, if any, hours they object to.
5. This petition only represents the attorneys' fees, expenses and costs incurred to the date prior to the filing of this motion and does not include the additional time, costs and expenses that will be further incurred pursuant to post-trial motions and/or appeal. Such will be submitted in due course.
6. That the fees, expenses and costs incurred by Plaintiffs' attorneys are reasonable in light of the nature of the case.

WHEREFORE, Plaintiff request that his motion for attorneys' fees in the amount of \$269, 950.50 and expenses and costs in the amount of \$2420.88 be granted.

RESPECTFULLY SUBMITTED,  
Rodney Lester

By: /s/ Justin G. Randolph  
Justin G. Randolph  
Attorney for Plaintiff

6273544  
Justin G. Randolph  
**LAW OFFICE OF JUSTIN G. RANDOLPH**  
53 West Jackson Boulevard, Suite 1234  
Chicago, IL 60604  
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philipholloway@aim.com

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David J. Shulkin, as Secretary, U.S.	)	
Department of Veterans Affairs,	)	
U.S. Department of Veterans Affairs.	)	

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF HIS  
MOTION FOR ATTORNEY’S FEES AND COSTS**

Plaintiff, Rodney Lester (“Lester”) is entitled to attorneys’ fees, costs, and expenses as he received a jury verdict in his favor on his claim of retaliation against Defendant, Department of Veterans Affairs (“Defendant”).

**BACKGROUND**

Plaintiff filed a complaint of race and age discrimination, and retaliation, in violation of Title VII, based on his July 21, 2011 termination by Defendant. [Dkt# 1] This Court granted summary judgment against Plaintiff, and for Defendant, on Plaintiff’s race and age claims but allowed Plaintiff’s retaliation claim to move forward. On October 24, 2018, a jury found in favor of Plaintiff on his claim of retaliation and awarded him \$200,000 in compensatory damages for emotional distress caused by Defendant’s unlawful actions. [Dkt# 61] Plaintiff is entitled to fees and costs. The Court may also award Plaintiff injunctive relief. Plaintiff is requesting attorneys’ fees in the amount of \$269,959.50, as the amount incurred through the date of his filing of this petition, and costs in the amount of \$2420.88.

## ARGUMENT

The Civil Rights Attorneys' Fees Act, 42 U.S.C. §1988 and Title VII, 42 U.S.C. §2000e-5(k), authorizes district courts to award reasonable attorneys' fees and costs to prevailing plaintiffs. Congress passed Section 1988 specifically to remedy the tension between (1) civil rights litigants who could not afford to pay hourly for legal services; (2) attorneys who recognized that the low amount of damages at stake in civil rights cases could not support the extensive commitment of legal time and resources if the case were contingent; and (3) Congressional interest in supporting the vindication of important civil rights policies. *See, e.g., Riverside v. Rivera*, 477 U.S. 561, 574 (1986); *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968); *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (quoting H.R. Rep. No. 94-1558, at 1 (1976); S. Rep 94-1011 (June 29, 1976) (legislative history §1988)). The purpose of the statutes authorizing attorneys' fees in civil rights cases is to "ensure effective access to the judicial process" for persons with civil rights injuries. *Hensley*, 461 U.S. at 429. Congress intended to "encourage individuals injured by [] discrimination to seek judicial relief under Title VII." *Newman*, 390 U.S. at 402. The Supreme Court has instructed:

[A] civil rights action for damages does not constitute merely a private tort benefitting only the individual plaintiffs whose rights were violated. Unlike most private tort litigants, a civil rights plaintiff seeks to vindicate important civil and constitutional rights that cannot be valued solely in monetary terms. And, Congress had determined that "the public as a whole has an interest in the vindication of the rights conferred by the statutes enumerated in §1988, over and above the value of a civil rights remedy to a particular plaintiff...." Regardless of the form of relief [s]he actually obtains, a successful civil rights plaintiff often secures important social benefits that are not reflected in nominal or relatively small damages awards.

*Riverside*, 477 U.S. at 574 (internal citations omitted). In order for a party to collect attorneys' fees under § 1988 the party must show: (1) that it has prevailed; and (2) that its fee request is reasonable. *Farrar v. Hobby*, 506 U.S. 103, 109-14 (1992).

## **I. PLAINTIFF IS A PREVAILING PARTY**

Plaintiff is a prevailing party and is entitled to fees. The threshold issue is whether a party has attained the status "prevailing party." *Hensley*, 461 U.S. at 433. The Supreme Court has repeatedly instructed that plaintiffs who succeed in civil rights actions should recover a fully compensatory award of fees and expenses. *See e.g., Hensley*, 461 U.S. at 435; *Riverside*, 477 U.S. at 570; *Blum v. Stenson*, 465 U.S. 886, 897 (1984).

Here, there is no dispute here that Plaintiff is a prevailing party on his civil rights claim as a jury returned a verdict in his favor on his retaliation claim and awarded him \$200,000.00 in compensatory damages. *See Hensley*, 461 U.S. at 433.

## **II. PLAINTIFF'S ATTORNEYS' FEES AND COSTS ARE REASONABLE**

The second issue is whether the Plaintiff's fee request is reasonable. In general, reasonable attorneys' fee are calculated by multiplying the number of hours reasonably expended by the attorney's hourly rate (the "lodestar" method). *Id.* Once this amount is calculated, a court may adjust the amount upward or downward depending on various factors. *Dunning, v. Simmons Airlines, Inc.*, 62 F.3d 863, 872 (7th Cir. 1995). These factors include: the time and labor required; the novelty and difficulty of the questions; the skill requisite to perform the legal services properly; the preclusion of employment by the attorney due to acceptance of the case; the customary fee; whether the fee is fixed or contingent; time limitations imposed by the client or the circumstances; the amount involved and the results obtained; the experience,

reputation, and ability of the attorneys; the undesirability of the case; the nature and length of the professional relationship with the client; and awards in similar cases. *Spellan v. Bd. of Educ. for Dist.*, 111, 59 F.3d 642, 645 (7th Cir. 1995); *see also Hensley*, 461 U.S. at 430 n. 3. Here, Plaintiff requests compensation for these hours at the listed rates and for these costs:

1. \$269, 950.50 – Attorneys’ Fees

Mr. Lester’s attorneys bill at an hourly rate of \$450.00 per hour. Each has 19 years of experience respectively. Both represent plaintiffs in civil rights cases in state and federal court as well as administrative proceedings. Both have argued, and won, civil rights cases at the Seventh Circuit Court of Appeals. As noted by Chicago plaintiffs’ attorney, Robin Potter, \$450.00 is reasonable for the type of work performed. The Laffey Matrix from the US Attorney’s office, while only instructive and not binding, shows that \$450.00 is reasonable for attorneys with 19 years of experience. See Group Ex. A.

2. \$2420.88 – Costs

a. \$400.00 – Filing Fee

b. 2020.88 – Depositions of Jeff Fears, Chad Babcock, and Amy Deschane.

See Group Ex. B.

**A. Hourly Rates are Reasonable**

Fees are calculated based on market rates for the services rendered. *Blum*, 465 U.S. at 895; *Small v. Richard Wolf Medical Instruments, Corp.*, 264 F.3d 702,707 (7<sup>th</sup> Cir. 2001). The reasonable hourly rate (or “market rate”) for lodestar purposes is the rate that lawyers of similar ability and experience normally charge their paying clients for the type of work in question. *Harper v. City of Chicago Heights*, 223 F.3d 593, 604 (7th Cir. 2000); *Small*, 264 F.3d at 707. “The Seventh Circuit has warned that ‘there is no single, market-wide fee for a given case.’”

*Entertainment Software Ass’n v. Blagojevich*, 2006 WL 3694851, at \* 5 (N.D. Ill. Aug. 9, 2006). Indeed, a higher rate is warranted for cases that go to trial. *Henry v. Weibermeir and Garden Village, Inc.*, 738 F.2d 188, 194-95 (7th Cir. 1984). The Seventh Circuit presumes that the attorney’s actual billing rate for comparable work is the market rate. *Spegon v. Catholic Bishop of Chicago*, 175 F. 3d 544, 555 (7th Cir. 1999). The Court has also stated that “lawyers who fetch above-average rates are presumptively entitled to them, rather than to some rate devised by the court.” *Entertainment Soft.*, 2006 WL 3694851 at \* 5. An attorney’s affidavit regarding the market rate for that attorney’s services in conjunction with other evidence of the rates charged by comparable lawyers is enough to satisfy the plaintiff’s burden. *Harper*, 223 F.3d at 604. Once a fee applicant comes forward with evidence establishing his rate, the burden shifts to the defendant to demonstrate why a lower rate should be awarded. *Batt v. Micro Warehouse*, 241 F.3d 891, 894 (7thCir. 1994). To meet this burden, a defendant must come forward with evidence establishing “a good reason why a lower rate is essential.” *People Who Care*, 90 F.3d at 1313.

Here, the case went to trial and Plaintiff prevailed. The attached declarations show that \$450.00 per hour is the rate billed by Plaintiff’s attorneys and is a fair rate for attorneys with nearly 20 years of experience and for a case of this type. In fact, as Robin Potter’s declaration shows, \$450.00 per hour may well be below the market rate. As the Laffey Matrix shows, the US Attorney’s office recognizes a rate of over \$500.00 per hour as acceptable.

**B. Time Spent was Reasonable.**

Next, the time spent by Plaintiff on this case is reasonable and justified given the successful result Plaintiff obtained at trial. The time was documented by contemporaneous computer records of time spent on the case. And the jury awarded Plaintiff compensatory

damages in amount that exceeded his request at trial. Nor should time be reduced because of Defendant's success on Plaintiff's race and age claims. Generally, when a plaintiff is unsuccessful on some of their claims, they are not entitled to collect fees for time spent on unrelated unsuccessful claims. *Hensley*, 461 U.S. at 434-5. That said, when both the successful and the unsuccessful claims involve a common core of facts or related legal theories, the claims are "related," and the plaintiff may recover fees for time spent on unsuccessful claims. *Jaffee v. Redmond*, 142 F.3d 409, 414 (7th Cir. 1998). The reasoning behind this is:

“much of counsel's time will be devoted generally to the litigation as a whole ...Such a lawsuit cannot be viewed as a series of discrete claims. Instead the district court should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation.” *Hensley*, 461 U.S. at 435.

Here, Plaintiff's retaliation claim consisted of the same core facts and related legal theories. For example, evidence of his retaliation claims included that he had a good faith belief he was opposing unlawful harassment and discrimination when he filed his EEOC charges after which Defendant railroaded him into a Last Chance Agreement, forced him to give up his existing and future claims, and then terminated him despite the fact that he did not violate the Last Chance Agreement. Each of these facts is independently relevant to Plaintiff's retaliation claim and Plaintiff would have still presented them to a jury had he not filed counts based on alternative theories of liability. As a result, there is no basis to reduce the requested fees because of the rejected bases of liability.

## CONCLUSION

Plaintiff fully prevailed in this action. Plaintiff is eligible for, and entitled to recover, his fees and costs from Defendant in this matter. Plaintiff's fees and costs are reasonable and supported



by evidence. Plaintiff moves the Court to award him \$269, 950.50 in fees and \$2420.88 in costs.

RESPECTFULLY SUBMITTED,  
Rodney Lester

By: /s/ Justin G. Randolph  
Justin G. Randolph  
Attorney for Plaintiff

6273544  
Philip Stephens Holloway  
**LAW OFFICE OF JUSTIN G. RANDOLPH**  
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**FEE PETITION INDEX**

**Group Ex. A**

1. Timesheet
2. Declaration of Philip Holloway
3. Declaration of Justin Randolph
4. Affidavit of Robin Potter
5. Laffey Matrix

**Group Ex. B**

1. AO133
2. Invoices

# GROUP EXHIBIT A

Law Office of Justin G. Randolph  
 3126631560  
 53 W JACKSON BLVD STE 1234  
 CHICAGO, Illinois  
 60604  
 United States

Date of Issue  
 11/09/2018

Invoice Number  
 12012017-9

Amount Due (USD)  
**\$269,959.50**

Due Date  
 12/09/2018

Description	Rate	Qty	Line Total
Communication (Rodney Lester v. VA) Justin Randolph – Jan 21, 2013 Kyte email	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Feb 3, 2013 Call to OA	\$450.00	0.25	\$112.50
Meetings (Rodney Lester v. VA) Justin Randolph – Feb 4, 2013 Client intake meeting	\$450.00	1.5	\$675.00
General (Rodney Lester v. VA) Justin Randolph – Mar 3, 2013 Client file review (MSPB/Docs)	\$450.00	3.1	\$1,395.00
General (Rodney Lester v. VA) Justin Randolph – Mar 15, 2013 Client doc review	\$450.00	2.75	\$1,237.50
Meetings (Rodney Lester v. VA) Justin Randolph – Aug 13, 2013 Meeting with Donna Drake - Lester rep	\$450.00	1	\$450.00
General (Rodney Lester v. VA) Justin Randolph – Aug 17, 2013 Client doc review	\$450.00	1.6	\$720.00

General (Rodney Lester v. VA) Justin Randolph – Aug 19, 2013 Designation of Representation to EEOC	\$450.00	0.2	\$90.00
Discovery (Rodney Lester v. VA) Justin Randolph – Aug 30, 2013 Prep discovery	\$450.00	3.1	\$1,395.00
Discovery (Rodney Lester v. VA) Justin Randolph – Aug 30, 2013 Prep/revise production requests	\$450.00	1.1	\$495.00
Discovery (Rodney Lester v. VA) Justin Randolph – Nov 28, 2013 Review VA discovery responses	\$450.00	3.2	\$1,440.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 18, 2013 Kyte call	\$450.00	0.25	\$112.50
Meetings (Rodney Lester v. VA) Justin Randolph – Feb 6, 2014 Client meeting	\$450.00	2.3	\$1,035.00
Meetings (Rodney Lester v. VA) Justin Randolph – Feb 6, 2014 Client meeting	\$450.00	2.25	\$1,012.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Apr 9, 2016 Reviewing documents to select for response to SOF	\$450.00	2.25	\$1,012.50
Meetings (Rodney Lester v. VA) Justin Randolph – Jul 25, 2016 Client Meeting JR	\$450.00	1	\$450.00
Meetings (Rodney Lester v. VA) Philip Holloway – Jul 25, 2016 Met with Rodney Lester	\$450.00	1	\$450.00
Document/File Review (Rodney Lester v. VA) Philip Holloway – Aug 4, 2016 Review Lester v. VA MSPB File	\$450.00	2.75	\$1,237.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Aug 6, 2016 Review Lester v. VA MSBP File: Review pleadings, discovery, motion for summary judgment; client documents and agency documents	\$450.00	3.5	\$1,575.00
Document/File Review (Rodney Lester v. VA) Philip Holloway – Aug 9, 2016 Review Lester v. VA MSBP file; review summary judgment decision; cases cited, statements of fact	\$450.00	2.75	\$1,237.50

Document/File Review (Rodney Lester v. VA) Philip Holloway – Sep 6, 2016 Continued reviewed Lester v. VA MSPB file	\$450.00	1.25	\$562.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Oct 12, 2016 Review Lester v. VA EEO FAD and investigative file	\$450.00	3.25	\$1,462.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Oct 13, 2016 Continued reviewing Lester v. VA EEO FAD and investigation file	\$450.00	1.75	\$787.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Oct 18, 2016 Reviewing Lester v. VA MSPB Affirmative Defense Order	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Justin Randolph – Jan 24, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Meetings (Rodney Lester v. VA) Justin Randolph – Feb 23, 2017 Client meeting	\$450.00	1.6	\$720.00
Meetings (Rodney Lester v. VA) Philip Holloway – Feb 23, 2017 Met with Client to review case in advance of preparing draft complaint	\$450.00	1.75	\$787.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Feb 26, 2017 Review MSPB and EEO filings in advance of preparing draft complaint	\$450.00	1.5	\$675.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Mar 1, 2017 Prepare draft complaint	\$450.00	1.75	\$787.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Mar 5, 2017 Review JGR draft of complaint	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Mar 6, 2017 Review and revise FINAL-FINAL JGR Draft of Complaint	\$450.00	0.5	\$225.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Mar 6, 2017 Revise JGR draft of complaint	\$450.00	0.5	\$225.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Mar 6, 2017 Revise draft complaint	\$450.00	0.5	\$225.00
General (Rodney Lester v. VA) Justin Randolph – Mar 16, 2017 Review DMS1	\$450.00	2.08	\$936.00

Communication (Rodney Lester v. VA) Justin Randolph – May 3, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – May 5, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – May 5, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – May 7, 2017 Revise JGR draft of initial status report	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – May 8, 2017 Review JGR draft of initial status report	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Draft status report to E. Kelly	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Revised status report from E. Kelly	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Revised status report to E. Kelly	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Revised status report from E. Kelly	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – May 8, 2017 Final initial status report to Kelly	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Justin Randolph – May 8, 2017 File status report	\$450.00	0.1	\$45.00
Court Appearance (Rodney Lester v. VA) Philip Holloway – May 16, 2017 Court appearance for case management	\$450.00	1	\$450.00
General (Rodney Lester v. VA) Justin Randolph – May 16, 2017 Review order/docket dates	\$450.00	0.25	\$112.50

Communication (Rodney Lester v. VA) Justin Randolph – Jun 1, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Jun 2, 2017 First Amended Complaint	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 2, 2017 Review and revise JGR draft of amended complaint	\$450.00	0.75	\$337.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Jun 5, 2017 Reviewing Report of Investigation produced by Defendant in 26(a)1 disclosures	\$450.00	2.5	\$1,125.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 5, 2017 Reviewing Defendant's 26(a)1 disclosures	\$450.00	0.75	\$337.50
Discovery (Rodney Lester v. VA) Justin Randolph – Jun 5, 2017 Review D 26(a)	\$450.00	0.5	\$225.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 7, 2017 Reviewing Defendant's answer to Plaintiff's amended complaint	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 7, 2017 Preparing draft of 26(a)1 disclosures	\$450.00	1.25	\$562.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Jun 7, 2017 Continued reviewing ROI produced by defendant as part of 26(a)1 disclosures	\$450.00	1.25	\$562.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Jun 7, 2017 review D Answer to complaint	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 8, 2017 Review and select documents to be included as part of plaintiff's 26(a)1 disclosures	\$450.00	3.5	\$1,575.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Jun 9, 2017 Continued reviewing and selecting documents to be included in plaintiff's 26(a)1 disclosures to defendant	\$450.00	1.75	\$787.50
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 11, 2017 Preparing interrogatories to VA	\$450.00	1.5	\$675.00



Discovery (Rodney Lester v. VA) Philip Holloway – Jun 12, 2017 Preparing requests to produce to Defendant	\$450.00	1.25	\$562.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Jun 15, 2017 Privacy Act Order from D	\$450.00	0.33	\$148.50
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 19, 2017 Preparing objections and responses to Defendant's interrogatories to Plaintiff	\$450.00	2.25	\$1,012.50
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 19, 2017 Reviewing Defendant's requests to produce and interrogatories to Plaintiff	\$450.00	1.75	\$787.50
Discovery (Rodney Lester v. VA) Justin Randolph – Jun 19, 2017 Review D discovery requests	\$450.00	0.83	\$373.50
Communication (Rodney Lester v. VA) Justin Randolph – Jun 19, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 21, 2017 Continued preparing objections and responses to Defendant's interrogatories to Plaintiff	\$450.00	1.75	\$787.50
Communication (Rodney Lester v. VA) Justin Randolph – Jun 22, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jun 22, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jun 22, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jun 23, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 23, 2017 Continued reviewing and selecting documents to produce in response to Defendant's requests to produce to Plaintiff	\$450.00	3.75	\$1,687.50

Discovery (Rodney Lester v. VA) Philip Holloway – Jun 23, 2017 Review and select documents to be produced in response to Defendant's requests for production to Plaintiff	\$450.00	6.5	\$2,925.00
Communication (Rodney Lester v. VA) Justin Randolph – Jun 23, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 24, 2017 Continued drafting and revising objections and responses to Defendant's interrogatories to Plaintiff	\$450.00	1.5	\$675.00
Discovery (Rodney Lester v. VA) Philip Holloway – Jun 26, 2017 Drafting responses and objections to defendant's requests to produce to plaintiff	\$450.00	2.25	\$1,012.50
Discovery (Rodney Lester v. VA) Philip Holloway – Jul 18, 2017 Revising objections and answers to Defendant's Interrogatories to Plaintiff	\$450.00	1.25	\$562.50
Discovery (Rodney Lester v. VA) Philip Holloway – Jul 20, 2017 Revising answers and objections to Defendant's interrogatories and requests to produce to Plaintiff	\$450.00	1.25	\$562.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Jul 24, 2017 Review draft of Privacy Act Order	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – Jul 24, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 10, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 16, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 17, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 22, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Aug 22, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Justin Randolph – Aug 22, 2017 Prepare discovery responses	\$450.00	5.22	\$2,349.00
Discovery (Rodney Lester v. VA) Justin Randolph – Aug 24, 2017 Discovery docs for D	\$450.00	1.58	\$711.00
Discovery (Rodney Lester v. VA) Philip Holloway – Aug 25, 2017 Reviewing plaintiff's production to Defendant in response to RTP	\$450.00	3.75	\$1,687.50
Communication (Rodney Lester v. VA) Justin Randolph – Aug 25, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Philip Holloway – Aug 26, 2017 Reviewing Plaintiff's document production to Defendant	\$450.00	1.5	\$675.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 19, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 21, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 22, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Justin Randolph – Sep 24, 2017 Prep/revise Production Request	\$450.00	1.08	\$486.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Time (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 25, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Sep 26, 2017 Call with E. Kelly	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 4, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 7, 2017 Deposition notices to E. Kelly (Fears, Babcock, Deschane)	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 9, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 10, 2017 Motion for extension of discovery	\$450.00	0.83	\$373.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2017 Review minute order on extension	\$450.00	0.17	\$76.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 16, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 16, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 18, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Oct 18, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 18, 2017 Email to E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 18, 2017 Email from E. Kelly	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 8, 2017 M. Donohue Email	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 8, 2017 Response to M.Donohue email	\$450.00	0.1	\$45.00
Time (Rodney Lester v. VA) Justin Randolph – Nov 16, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 20, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 20, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Time (Rodney Lester v. VA) Justin Randolph – Nov 27, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 29, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 29, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 5, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 5, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 5, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Dec 7, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 7, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email from M. Dohonue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 8, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Depositions (Rodney Lester v. VA) Philip Holloway – Dec 10, 2017 Review documents to assist JGR in preparing outline/questions for Lester deposition	\$450.00	1.25	\$562.50
Communication (Rodney Lester v. VA) Justin Randolph – Dec 11, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 12, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 12, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Dec 12, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 12, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Dec 16, 2017 Prep A. Deschane Dep	\$450.00	3.58	\$1,611.00
General (Rodney Lester v. VA) Justin Randolph – Dec 17, 2017 Prep exhibits/questions for J. Fears deposition	\$450.00	6.25	\$2,812.50
Document/File Review for Depositions (Rodney Lester v. VA) Philip Holloway – Dec 18, 2017 Review documents to select exhibits/prepare for depositions of Fears, Deschane and Babcock	\$450.00	2.5	\$1,125.00
General (Rodney Lester v. VA) Justin Randolph – Dec 18, 2017 Prep for C. Babcock Dep	\$450.00	2.08	\$936.00
Meetings/Depositions (Rodney Lester v. VA) Philip Holloway – Dec 19, 2017 Met with JGR to prepare for Fears/Deschane/Babcock depositions	\$450.00	2.25	\$1,012.50
Communication (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Prep for C. Babcock Dep	\$450.00	1.58	\$711.00
Discovery (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Review/prep supp docs to OA	\$450.00	0.5	\$225.00
Meetings (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Dep prep meeting	\$450.00	2.17	\$976.50

Communication (Rodney Lester v. VA) Justin Randolph – Dec 19, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Depositions (Rodney Lester v. VA) Philip Holloway – Dec 20, 2017 Appeared for Fears Deposition	\$450.00	3.5	\$1,575.00
Meetings/Depositions (Rodney Lester v. VA) Philip Holloway – Dec 20, 2017 Met with JGR to review notes of Fears deposition to prepare for Deschane and Babcock depositions	\$450.00	2.25	\$1,012.50
Communication (Rodney Lester v. VA) Justin Randolph – Dec 20, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Dec 20, 2017 Prep A. Deschane Dep	\$450.00	1.25	\$562.50
Depositions (Rodney Lester v. VA) Philip Holloway – Dec 21, 2017 Appeared for Deschane and Babcock Depositions	\$450.00	6.5	\$2,925.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 21, 2017 Prep/Dep/Babcock/Deschane/meeting	\$450.00	9.25	\$4,162.50
Communication (Rodney Lester v. VA) Justin Randolph – Dec 21, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Depositions (Rodney Lester v. VA) Justin Randolph – Dec 21, 2017 CB & AD ex/outline/prep/deps	\$450.00	7.5	\$3,375.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00



Discovery (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Review docs sent by M. Donohue	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Justin Randolph – Dec 22, 2017 Email from M. Donohue	\$450.00	0.1	\$45.00
Court Appearance (Rodney Lester v. VA) Philip Holloway – Jan 3, 2018 Court appearance for status	\$450.00	1	\$450.00
Discovery (Rodney Lester v. VA) Philip Holloway – Jan 11, 2018 Review Defendant's supplemental discovery production	\$450.00	1.25	\$562.50
Communication (Rodney Lester v. VA) Justin Randolph – Jan 11, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jan 16, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jan 17, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jan 19, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Court Appearance (Rodney Lester v. VA) Philip Holloway – Jan 25, 2018 Court appearance for case management	\$450.00	1	\$450.00
orders (Rodney Lester v. VA) Philip Holloway – Jan 26, 2018 Review Case management order	\$450.00	0.25	\$112.50
Depositions (Rodney Lester v. VA) Philip Holloway – Feb 17, 2018 Reviewing and annotating Jeff Fears Deposition Transcript	\$450.00	3.5	\$1,575.00
Depositions/Review (Rodney Lester v. VA) Philip Holloway – Feb 20, 2018 Reviewing and annotating Chad Babcock Deposition transcript	\$450.00	2.75	\$1,237.50
Meetings (Rodney Lester v. VA) Justin Randolph – Feb 21, 2018 Meeting with PSH re MSJ	\$450.00	0.5	\$225.00

Pleadings (Rodney Lester v. VA) Philip Holloway – Feb 22, 2018 Review and revise JGR draft of motion to extend time to file dispositive motion	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – Feb 22, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Feb 22, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Depositions/Review (Rodney Lester v. VA) Philip Holloway – Mar 2, 2018 Review and annotate Rodney Lester Deposition transcript	\$450.00	1.75	\$787.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Mar 6, 2018 Reviewing discovery production to determine what documents to be used as exhibits in MSJ	\$450.00	3.25	\$1,462.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Mar 15, 2018 Reviewing Defendant's motion for summary judgment and memorandum in support	\$450.00	1.75	\$787.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Mar 17, 2018 Reviewing Defendant's SOF in support of MSJ and exhibits	\$450.00	2.5	\$1,125.00
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Mar 18, 2018 Continued reviewing SOF and exhibits in support of Defendant's MSJ	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Justin Randolph – Mar 20, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Mar 20, 2018 Review exs for response to MSJ	\$450.00	3.08	\$1,386.00
Research (Rodney Lester v. VA) Philip Holloway – Mar 28, 2018 Reviewing cases cited in Defendant's memorandum in support of MSJ	\$450.00	3.5	\$1,575.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 9, 2018 Continued drafting response to Defendant's SOF	\$450.00	1.75	\$787.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 9, 2018 Preparing response to Defendant's SOF	\$450.00	3.25	\$1,462.50

General (Rodney Lester v. VA) Justin Randolph – Apr 9, 2018 Drafting Response Memo (MSJ)	\$450.00	2.25	\$1,012.50
Communication (Rodney Lester v. VA) Justin Randolph – Apr 12, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Apr 17, 2018 Continued drafting response mem (MSJ)	\$450.00	3.08	\$1,386.00
Research (Rodney Lester v. VA) Philip Holloway – Apr 26, 2018 Researching anticipatory retaliation and last chance agreements	\$450.00	3.5	\$1,575.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 26, 2018 Draft and revise response to Defendant's SOF	\$450.00	2.5	\$1,125.00
Research (Rodney Lester v. VA) Philip Holloway – Apr 27, 2018 Reviewing cases on anticipatory retaliation and last chance agreements	\$450.00	2.75	\$1,237.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Apr 27, 2018 Reviewing Fears, Babcock and Deschane deposition and annotations to prepare response to Defendant's SOF	\$450.00	3.25	\$1,462.50
General (Rodney Lester v. VA) Justin Randolph – Apr 27, 2018 Revise response memo (MSJ)	\$450.00	1.17	\$526.50
Research (Rodney Lester v. VA) Philip Holloway – Apr 28, 2018 Reviewing post-Ortiz seventh circuit and district court decisions	\$450.00	2.75	\$1,237.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 28, 2018 Revising response to SOF based on review of JGR draft of memorandum in response to MSJ	\$450.00	2.5	\$1,125.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 28, 2018 Reviewing JGR draft of memo in opposition to MSJ	\$450.00	1.75	\$787.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Apr 29, 2018 Drafting additional statements of fact in opposition to MSJ	\$450.00	6.25	\$2,812.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Apr 30, 2018 Final response to MSJ and SOF with PSH	\$450.00	11.75	\$5,287.50

Pleadings/Meetings (Rodney Lester v. VA) Philip Holloway – Apr 30, 2018 Met with JGR to draft and revise final versions of Memorandum in response to MSJ, Response to SOF and additional statements of fact	\$450.00	14.25	\$6,412.50
Pleadings (Rodney Lester v. VA) Philip Holloway – May 14, 2018 Reviewing Agency response to Plaintiff's ASOF	\$450.00	2.5	\$1,125.00
Pleadings (Rodney Lester v. VA) Philip Holloway – May 16, 2018 Reviewing Agency reply in support of MSJ	\$450.00	1.25	\$562.50
Pleadings (Rodney Lester v. VA) Justin Randolph – May 16, 2018 Review D MSJ reply	\$450.00	0.75	\$337.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Jun 27, 2018 Reviewing memorandum and order denying Agency MSJ	\$450.00	1.5	\$675.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Jul 12, 2018 Status	\$450.00	1.5	\$675.00
Comm (Rodney Lester v. VA) Justin Randolph – Jul 12, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jul 12, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Jul 12, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Jul 13, 2018 Review and revise JGR draft of memorandum in opposition to Defendant's motion to depose Thomas Johnson	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Jul 13, 2018 Review Agency motion to depose Thomas Johnson	\$450.00	0.25	\$112.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Jul 13, 2018 Response to motion to depose TJ	\$450.00	1.5	\$675.00
Communication (Rodney Lester v. VA) Justin Randolph – Jul 18, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Aug 7, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 9, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Discovery (Rodney Lester v. VA) Justin Randolph – Aug 9, 2018 Review D's 2nd A 26as	\$450.00	0.25	\$112.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 13, 2018 Draft motion to continue trial date	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Justin Randolph – Aug 13, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 13, 2018 Reviewing agency draft of protective order	\$450.00	0.75	\$337.50
General (Rodney Lester v. VA) Justin Randolph – Aug 13, 2018 Review Draft PTO	\$450.00	1.08	\$486.00
Depositions (Rodney Lester v. VA) Justin Randolph – Aug 14, 2018 Deposition of Thomas Johnson/PSH conf	\$450.00	4.25	\$1,912.50
Communication (Rodney Lester v. VA) Justin Randolph – Aug 15, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 15, 2018 Reviewing Agency exhibits as listed in Agency draft of PTO	\$450.00	2.25	\$1,012.50
Communication (Rodney Lester v. VA) Justin Randolph – Aug 15, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Research (Rodney Lester v. VA) Philip Holloway – Aug 16, 2018 Researching "but-for" causation in federal employer Title VII cases	\$450.00	3.5	\$1,575.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 16, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Aug 16, 2018 Email from M. Donohue/Revised PTO	\$450.00	0.5	\$225.00

Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Aug 17, 2018 Reviewing MSJ exhibits and discovery production to select Plaintiff's exhibits for PTO	\$450.00	3.75	\$1,687.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 17, 2018 Drafting non-pattern retaliation instruction for PTO	\$450.00	0.5	\$225.00
Research (Rodney Lester v. VA) Philip Holloway – Aug 17, 2018 Reviewing caselaw on "but-for" causation for Title VII retaliation cases against federal employers	\$450.00	2.75	\$1,237.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Aug 17, 2018 Review docs/exhibits	\$450.00	1.58	\$711.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 18, 2018 Drafting statement of requested relief for PTO	\$450.00	0.25	\$112.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 18, 2018 Drafting plaintiff's witness lists and exhibit lists for PTO	\$450.00	1.25	\$562.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Aug 18, 2018 reviewing seventh circuit pattern instructions and supporting caselaw	\$450.00	1.5	\$675.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 18, 2018 Drafting proposed voir dire questions and Plaintiff's proposed statement of the case for PTO	\$450.00	1.75	\$787.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Aug 19, 2018 PTO	\$450.00	1.08	\$486.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 19, 2018 Final revisions to Plaintiff's version of PTO	\$450.00	1.5	\$675.00
Time (Rodney Lester v. VA) Justin Randolph – Aug 19, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 19, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Aug 19, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Aug 20, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 20, 2018 Final Review of Proposed PTO prior to filing	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Philip Holloway – Aug 20, 2018 Telephone conference with JGR and Agency counsel regarding proposed PTO	\$450.00	0.75	\$337.50
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 20, 2018 Reviewing Agency changes to Plaintiff's version of PTO	\$450.00	1.25	\$562.50
Communication (Rodney Lester v. VA) Justin Randolph – Aug 20, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Aug 20, 2018 PTO/Call with OA	\$450.00	1.08	\$486.00
Pleadings/Meetings (Rodney Lester v. VA) Philip Holloway – Aug 22, 2018 Conference with JGR to discuss responses to Agency's motions in limine	\$450.00	0.5	\$225.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 22, 2018 Review Agency Motions in Limine	\$450.00	1.25	\$562.50
Pleadings (Rodney Lester v. VA) Justin Randolph – Aug 26, 2018 Prep responses to D MIL	\$450.00	3.5	\$1,575.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Aug 27, 2018 Review and revise JGR draft of responses to Defendant's motions in limine	\$450.00	1.5	\$675.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Aug 27, 2018 Revise response to D MIL	\$450.00	0.5	\$225.00
Research (Rodney Lester v. VA) Philip Holloway – Sep 16, 2018 Reviewing caselaw on Rule 403 objections and on "motivating factor" instruction to prepare for FPTC	\$450.00	1.25	\$562.50

Meetings (Rodney Lester v. VA) Philip Holloway – Sep 16, 2018 Conference with JGR to discuss FPTC, Agency objections to witnesses and exhibits	\$450.00	0.75	\$337.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Sep 16, 2018 Reviewing proposed PTO, Agency motions in limine and Responses to Agency motions in limine to prepare for FPTC	\$450.00	1.25	\$562.50
Meetings (Rodney Lester v. VA) Justin Randolph – Sep 16, 2018 Conf with PSH	\$450.00	0.75	\$337.50
Court Appearance (Rodney Lester v. VA) Philip Holloway – Sep 17, 2018 Appearance for Final Pre-Trial Conference	\$450.00	1	\$450.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Sep 22, 2018 Review signed Final Pre-trial Order	\$450.00	0.5	\$225.00
Meetings (Rodney Lester v. VA) Philip Holloway – Oct 1, 2018 Met with JGR to discuss and prepare trial strategy, witness order, exhibits, opening and closing and rebuttal	\$450.00	7.5	\$3,375.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 1, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 1, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Meetings (Rodney Lester v. VA) Justin Randolph – Oct 1, 2018 Trial prep meeting with PSH	\$450.00	7.25	\$3,262.50
Meetings (Rodney Lester v. VA) Philip Holloway – Oct 2, 2018 Conference with JGR to discuss possible stipulation for "good faith belief"	\$450.00	0.25	\$112.50
Meetings (Rodney Lester v. VA) Philip Holloway – Oct 2, 2018 Conference with JGR to discuss additional exhibits added by Agency	\$450.00	0.25	\$112.50
Pleadings/Document Review (Rodney Lester v. VA) Philip Holloway – Oct 2, 2018 Reviewing Agency revised exhibit list and additional exhibits listed that differ from original proposed pre-trial order	\$450.00	1.25	\$562.50



Communication (Rodney Lester v. VA) Philip Holloway – Oct 2, 2018 Telephone conference with JGR, Prashant Kollouri and Megan Donohue to discuss trial	\$450.00	0.75	\$337.50
Meetings (Rodney Lester v. VA) Justin Randolph – Oct 2, 2018 conf psh/ conf w MD & PK	\$450.00	1.08	\$486.00
Pleadings (Rodney Lester v. VA) Justin Randolph – Oct 2, 2018 Revised Ex. list from MD/	\$450.00	1.08	\$486.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 2, 2018 Email to M. Donohue - Ex. list obj	\$450.00	0.33	\$148.50
Meetings (Rodney Lester v. VA) Justin Randolph – Oct 2, 2018 Trial prep meeting with PSH	\$450.00	0.75	\$337.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 3, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Oct 4, 2018 Reviewing Agency motion to add additional exhibits	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 5, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Philip Holloway – Oct 6, 2018 Preparing notes/list of topics for JGR opening statement	\$450.00	1.25	\$562.50
General (Rodney Lester v. VA) Philip Holloway – Oct 6, 2018 Preparing impeachment list from depositions for Fears and Babcock	\$450.00	3.25	\$1,462.50
Document/File Review (Rodney Lester v. VA) Philip Holloway – Oct 6, 2018 Reviewing Anne Igoe documents regarding Last Chance Agreement	\$450.00	1.5	\$675.00
Communication (Rodney Lester v. VA) Philip Holloway – Oct 6, 2018 Conference with JGR to discuss witness list/order to give to Agency counsel	\$450.00	0.25	\$112.50
General (Rodney Lester v. VA) Philip Holloway – Oct 6, 2018 Preparing direct examination for Plaintiff/exhibits to use in direct examination	\$450.00	2.5	\$1,125.00

Communication (Rodney Lester v. VA) Justin Randolph – Oct 6, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 6, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Trial (Rodney Lester v. VA) Justin Randolph – Oct 6, 2018 Trial prep	\$450.00	7	\$3,150.00
General (Rodney Lester v. VA) Philip Holloway – Oct 7, 2018 Continued drafting and revising Lester direct examination	\$450.00	1.5	\$675.00
General (Rodney Lester v. VA) Philip Holloway – Oct 7, 2018 Preparing impeachment list for Amy Deschane from her deposition and EEO and MSPB statements/discovery	\$450.00	2.75	\$1,237.50
General (Rodney Lester v. VA) Philip Holloway – Oct 7, 2018 Continued preparing impeachment list from depositions for Babcock and Fears/Adding testimony/statements from EEO affidavits and MSPB discovery responses	\$450.00	2.5	\$1,125.00
General (Rodney Lester v. VA) Philip Holloway – Oct 7, 2018 Reviewing prima facie case for retaliation and revising direct examination of Lester to track elements/adding mitigation questions	\$450.00	2.25	\$1,012.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 7, 2018 Email from P. Kolluri	\$450.00	0.1	\$45.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Review and revise JGR final draft of opening statement	\$450.00	0.5	\$225.00
Meetings (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Met with JGR to discuss jury selection strategy	\$450.00	1.25	\$562.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Met with JGR to practice opening statement and revise opening statement	\$450.00	2.75	\$1,237.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Preparing Plaintiff for direct and cross examination at trial	\$450.00	6.5	\$2,925.00

Communication (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Telephone conference with JGR and agency counsel to discuss revised draft of "good faith basis" stipulation	\$450.00	0.08	\$36.00
General (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Drafting revised version of "good faith basis" stipulation	\$450.00	0.17	\$76.50
Communication (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 telephone conference with JGR and agency counsel to discuss "good faith basis" stipulation	\$450.00	0.15	\$67.50
Review (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 Reviewing Agency draft of proposed "good faith basis" stipulation	\$450.00	0.05	\$22.50
Communication (Rodney Lester v. VA) Philip Holloway – Oct 8, 2018 conference with JGR to discuss possible stipulation for "good faith basis"	\$450.00	0.25	\$112.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 8, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 8, 2018 Email from P. Kolluri	\$450.00	0.1	\$45.00
Meetings (Rodney Lester v. VA) Justin Randolph – Oct 8, 2018 Trial prep/ meeting with PSH/opening/RL/adverse witnesses	\$450.00	8.17	\$3,676.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 9, 2018 Met with JGR to practice opening statement and revise opening statement	\$450.00	1.25	\$562.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 9, 2018 Continued preparing Plaintiff for direct and cross examination	\$450.00	3.5	\$1,575.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 9, 2018 Jury selection	\$450.00	5.25	\$2,362.50
Court Appearance (Rodney Lester v. VA) Philip Holloway – Oct 9, 2018 Appeared for Agency motion to amend pre-trial order to add additional exhibits	\$450.00	0.25	\$112.50

Communication (Rodney Lester v. VA) Justin Randolph – Oct 9, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 9, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 9, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 9, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 9, 2018 Prep with PSH & RL/jury selection	\$450.00	8.5	\$3,825.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 10, 2018 Appeared for trial	\$450.00	6.75	\$3,037.50
General (Rodney Lester v. VA) Justin Randolph – Oct 10, 2018 C. Snyder search	\$450.00	0.58	\$261.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 10, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 10, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 10, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Oct 10, 2018 C. Snyder search	\$450.00	0.42	\$189.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 11, 2018 Preparing notes for JGR closing based on Lester Testimony	\$450.00	1.5	\$675.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 11, 2018 Review and revise JGR outline of Babcock examination	\$450.00	1.25	\$562.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 11, 2018 Practice Fears examination with JGR	\$450.00	2.75	\$1,237.50

Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 11, 2018 Review and revise JGR outline for Fears examination	\$450.00	0.5	\$225.00
General (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Trial Prep	\$450.00	12.25	\$5,512.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Email from M. Donohue	\$450.00	0.2	\$90.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Email from P. Kolluri	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 11, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 12, 2018 appeared for trial	\$450.00	6.5	\$2,925.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 12, 2018 Prep/Trial/Prep	\$450.00	15.33	\$6,898.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 13, 2018 Revise outline of Babcock examination based on Fears testimony	\$450.00	0.75	\$337.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 13, 2018 Revise outline of closing argument based on Fears testimony	\$450.00	1.83	\$823.50
General (Rodney Lester v. VA) Justin Randolph – Oct 13, 2018 Trial Prep	\$450.00	10.58	\$4,761.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 14, 2018 Met with JGR to plan strategy for remainder of trial with respect to witness testimony, exhibits and closing argument	\$450.00	2.33	\$1,048.50

General (Rodney Lester v. VA) Justin Randolph – Oct 14, 2018 Trial Prep	\$450.00	8.58	\$3,861.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 14, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 15, 2018 Telephone conference with JGR to discuss Deschane examination	\$450.00	0.5	\$225.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 15, 2018 Review and revise JGR outline for Deschane examination	\$450.00	1.25	\$562.50
Research (Rodney Lester v. VA) Philip Holloway – Oct 15, 2018 Reviewing cat's paw cases from Seventh Circuit and District Courts	\$450.00	1.83	\$823.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 15, 2018 Preparing possible "cat's paw" instruction	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 15, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Oct 15, 2018 Trial Prep	\$450.00	7.25	\$3,262.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 15, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 16, 2018 Appeared for trial. Trial continued to October 22, 2018	\$450.00	1	\$450.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 16, 2018 Prep/Trial (short)	\$450.00	4	\$1,800.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 16, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
General (Rodney Lester v. VA) Justin Randolph – Oct 16, 2018 Trial Prep	\$450.00	4.17	\$1,876.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 16, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00

Communication (Rodney Lester v. VA) Justin Randolph – Oct 17, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Pleadings (Rodney Lester v. VA) Philip Holloway – Oct 18, 2018 Review and revise draft of stipulation for materially adverse action	\$450.00	0.17	\$76.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 18, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 19, 2018 Conf with OAs	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 19, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 19, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 19, 2018 Email from P. Kolluri	\$450.00	0.1	\$45.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 21, 2018 Practice Shelia Fitzpatrick examination with JGR	\$450.00	1.25	\$562.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 21, 2018 Prepare outline/questions/exhibits for Shelia Fitzpatrick testimony	\$450.00	1.33	\$598.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 21, 2018 Prepare for direct examination of Michelle Wilson	\$450.00	0.42	\$189.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 21, 2018 Prepare for examination of Greg Bass	\$450.00	0.75	\$337.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 21, 2018 Met with JGR to practice Deschane examination	\$450.00	1.83	\$823.50
General (Rodney Lester v. VA) Justin Randolph – Oct 21, 2018 Trial Prep	\$450.00	8.58	\$3,861.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 21, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00

Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 22, 2018 Revise JGR outline of Barkoozis examination based on Fears testimony	\$450.00	0.42	\$189.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 22, 2018 Revise JGR outline of Nicole Flood examination based on Fears, Babcock and Deschane testimony	\$450.00	0.5	\$225.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 22, 2018 Met with JGR to practice Nicole Flood examination	\$450.00	1.17	\$526.50
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 22, 2018 Prep/Trial/Prep	\$450.00	15.25	\$6,862.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 22, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 22, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Oct 22, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 22, 2018 Appeared for trial	\$450.00	7	\$3,150.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 23, 2018 Practice closing argument with JGR	\$450.00	2.5	\$1,125.00
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 23, 2018 Review and revise JGR outline for closing and rebuttal	\$450.00	1.25	\$562.50
Trial Preparation (Rodney Lester v. VA) Philip Holloway – Oct 23, 2018 Review and revise JGR powerpoint demonstrative exhibit for closing	\$450.00	0.75	\$337.50
Trial (Rodney Lester v. VA) Philip Holloway – Oct 23, 2018 Appeared for trial and charge conference	\$450.00	7.25	\$3,262.50
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 23, 2018 Prep/Trial/Prep	\$450.00	16.58	\$7,461.00



Communication (Rodney Lester v. VA) Justin Randolph – Oct 23, 2018 Email from P. Kolluri	\$450.00	0.1	\$45.00
Post-trial (Rodney Lester v. VA) Philip Holloway – Oct 24, 2018 Met with client to debrief on verdict and post-trial motions	\$450.00	1	\$450.00
Trial (Rodney Lester v. VA) Philip Holloway – Oct 24, 2018 appeared for trial, closing arguments, jury deliberations, verdict	\$450.00	6	\$2,700.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Oct 24, 2018 Prep/Closing/debrief	\$450.00	13.25	\$5,962.50
Post-trial (Rodney Lester v. VA) Philip Holloway – Oct 30, 2018 Preparing back pay calculations	\$450.00	1.67	\$751.50
Communication (Rodney Lester v. VA) Justin Randolph – Oct 31, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Post-trial (Rodney Lester v. VA) Philip Holloway – Nov 1, 2018 Preparing vacation pay calculations	\$450.00	0.75	\$337.50
Post-trial (Rodney Lester v. VA) Philip Holloway – Nov 2, 2018 Meet and confer with Agency counsel on post-trial equitable relief	\$450.00	0.5	\$225.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 6, 2018 Email from M. Donohue	\$450.00	0.1	\$45.00
Communication (Rodney Lester v. VA) Justin Randolph – Nov 6, 2018 Email to M. Donohue	\$450.00	0.1	\$45.00
Post-trial (Rodney Lester v. VA) Philip Holloway – Nov 7, 2018 Drafting post-hearing brief for equitable relief	\$450.00	2.25	\$1,012.50
Depositions/Review (Rodney Lester v. VA) Philip Holloway – Nov 7, 2018 Review and annotate Amy Deschane Deposition transcript	\$450.00	2.25	\$1,012.50
Post-trial (Rodney Lester v. VA) Philip Holloway – Nov 8, 2018 Continued drafting post-hearing brief for equitable relief	\$450.00	1.5	\$675.00
Court Appearance (Rodney Lester v. VA) Justin Randolph – Sept 17, 2018 Pre-trial conference	\$450.00	1	\$450.00

Subtotal	269,959.50
Tax	0.00
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Total	269,959.50
Amount Paid	0.00
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Amount Due (USD)	\$269,959.50

**DECLARATION OF JUSTIN G. RANDOLPH IN CONNECTION WITH  
AN AWARD OF ATTORNEY'S FEES AND COSTS**

Justin G. Randolph, duly sworn hereby attests as follows:

1. That I represent Rodney Lester.
2. That I have been licensed to practice law in the State of Illinois since 1999 and that I have represented plaintiffs in the areas of employment and labor law since 2004.
3. That I am a member of the Federal Trial bar and have practiced at the Equal Employment Opportunity Commission, Illinois Human Rights Commission, Merit Systems Protection Board, state and federal court, and have argued cases at the Seventh Circuit Court of Appeals.
4. That I bill at an hourly rate of \$450.00 for litigation of employment rights cases in any forum.
5. That my hourly rate is equal to or less than similar law firms or attorneys with similar experience, skill, and qualifications practicing labor and employment law.
6. That I maintain contemporaneous computer records of time spent on every case, both contingent and hourly. Time records are entered via android application or online at the end of each day.
7. That I have attached detailed time and expense records in connection with the representation of Mr. Lester.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14<sup>th</sup> Day of October 2018.

/s/ Justin G. Randolph  
JUSTIN G. RANDOLPH

**UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD  
CENTRAL REGIONAL OFFICE**

RASHONDA A. YOUNG,	)	
Appellant,	)	
vs.	)	CH-0714-18-0245-I-1
	)	
	)	
DEPARTMENT OF VETERANS AFFAIRS,	)	
	)	
Agency,	)	

**DECLARATION OF PHILIP S. HOLLOWAY IN CONNECTION WITH  
AN AWARD OF ATTORNEY'S FEES AND COSTS**

Philip S. Holloway, duly sworn hereby attests as follows:

1. That I have been licensed to practice law in the State of Illinois since 2000 and that I have practiced in the areas of employment and labor law since 2000.
2. I practiced as a partner in the Employment Law group at FordHarrison, LLP in Chicago, Illinois from February 2011 until June 2016.
3. That I am admitted to practice in the United States District Court for the Northern District of Illinois and have practiced at the Equal Employment Opportunity Commission, Illinois Human Rights Commission, IDHR, Merit Systems Protection Board, and numerous state and federal courts.
4. As partner at FordHarrison, LLP I billed at an hourly rate of \$450.00 for litigation of employment rights cases in any forum and continue to bill \$450.00 per hour in my current occupation as a plaintiff's attorney litigating employment rights cases in the Northern District of Illinois, before the EEOC, in State courts in Illinois, the MSPB, IDHR, Illinois Human Rights Commission and the MSPB.

5. That my hourly rate of \$450.00 is customary and equal to or less than similar law firms or attorneys with similar experience, skill, and qualifications practicing labor and employment law in the Chicago area.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13<sup>th</sup> day of July 2018.

/s/ Philip Stephens Holloway  
PHILIP STEPHENS HOLLOWAY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Rodney Lester,  
Plaintiff,

Case No. 17-cv-01772

Peter O'Rourke, Secretary, Department of  
Veterans Affairs,

**DECLARATION OF ROBIN POTTER**

The undersigned, Robin Potter, makes this declaration and states:

I offer the following in support of the petition for attorneys' fees filed by Justin G. Randolph and Philip Stephens Holloway the attorneys for the plaintiff, Rodney Lester, in the above case.

1. I am the principal in my firm, Robin Potter & Associates, P.C., composed of myself and five associates. I graduated from the University of Iowa School of Law in 1977. I am admitted to practice in Illinois (1979) and Iowa (1978)(inactive); before the United States District Courts for the Northern and Central Districts of Illinois, the Northern District Trial Bar and the United States Court of Appeals for the Seventh Circuit.
2. Following law school, I was a staff attorney at HELP Legal Assistance in Davenport, Iowa, where I represented poor people in constitutional, class and impact litigation. I have been in private practice in Chicago since 1979, concentrating in Labor & Employment, Discrimination, Wage & Hour and False Claims Act litigation on behalf of unions, class plaintiffs, individual employees and whistleblowers. I have been plaintiffs' employment counsel in hundreds of cases, including sex harassment/hostile work environment and retaliation. Since 2010, I have served as counsel to the Chicago Teachers Union (CTU).
3. From approximately 1981-1983, I taught Labor Law at Indiana University, Department of Labor Studies (Gary). I frequently lecture, mentor and write on representing employees and litigating labor & employment, discrimination, class actions, FLSA and False Claims Act cases.

### **ORGANIZATIONAL MEMBERSHIPS AND OFFICER APPOINTMENTS**

4. I am a member of the ABA Labor and Litigation Sections and from 1995-2003, served as the Plaintiffs' Chair of the ABA's Labor & Employment Committee, Workers' Dislocation Subcommittee. I frequently lecture for the ABA, EEOC, National Employment Lawyers' Association [NELA], Taxpayers Against Fraud [TAF] (lawyers representing plaintiffs in Qui Tam litigation); the Practicing Law Institute [PLI] and other bar associations.
5. After helping to found the National Employment Lawyers Association (NELA), I co-founded the Illinois chapter of NELA, served on the NELA/Illinois Executive Board from about 1988 through March 2000, and as its President from April 1997-1999. I founded and edited the state-wide newsletter, *the Illinois Advocate*.
6. I testified before the United States house sub-committee on labor on the need to amend Title VII of the Civil Rights Act of 1964, to add punitive and compensatory damages. The amendments became law as part of the Civil Rights Act of 1991.
7. In 1996 and again in 2001, I was appointed as a government Election Supervisor overseeing and conducting elections in the Laborers' International Union (LIUNA). My appointment was pursuant to the Consent Decree between LIUNA and the United States Department of Justice. In my position as an election supervisor in LIUNA, I supervised a staff of election officers and assistants in Chicago.
8. In December 2007, I was appointed as the Claims Administrator in *Smith v. NIKE*, Case No. 03 C 9110 (N.D. IL., J. Shadur), a class action race discrimination case. As the Claims Administrator, I determined the damages to be awarded to the class members pursuant to the Court approved Settlement
9. In the fall of 2003, I was appointed by the United States District Court for the Northern District of Illinois (J. Urbom), as the Special Master in *EEOC v. The Dial Corporation*, Case No. 99 C 3356 (N.D. IL.), a pattern and practice sexual harassment case. My work was completed on schedule, in 2003. As the master, I oversaw all appeals and final approvals of settlement awards to the class members.

### **SPEAKING ENGAGEMENTS AND WRITINGS**

10. My speaking engagements and writings since 1998, include the following:
  - \* May 1998-2001, Speaker, EEOC Chicago District Office Technical Assistance Program Seminar - Chicago - Speaker, on *EEO Basics and Litigation* and paper
  - \* January 1999- Illinois National Employment Lawyers Association - Moderator and Program Organizer - *Title I of the ADA*
  - \* July 1999 - University of Louisville, Kentucky, Carl Warns Labor & Employment Institute - speaker - *Labor Law Developments* and paper
  - \* November, 1999 - Practicing Law Institute - Chicago - Speaker - *Retaliatory Discharge and Public Policy*, and paper



- \* January 2001 - Chicago Bar Association Civil Rights Committee - Chicago - Speaker - *Damages In Employment and Civil Rights Cases* and paper
- \* January 2002 - Chicago Bar Association Labor & Employment Committee - Chicago Panelist - *Recent Developments In Civil Rights Litigation*
- \* January 2002 - Chicago Bar Association Civil Rights Committee - Chicago - Speaker - *Damages In Employment and Civil Rights Cases* and paper
- \* May, 2002 - ITLA Civil Rights - Employment Litigation Strategies & Trends Seminar - Chicago - Speaker - *Illinois Retaliatory Discharge & Federal Retaliation* and paper
- \* July 2002 - ATLA Annual Convention, Atlanta - Panelist - *Qui Tam* Litigation under the False Claims Act
- \* October 2002 - Panelist - Practicing Law Institute - Chicago, Workplace Torts, A Plaintiffs' Perspective and paper (annual speaker)
- \* October 2002 - Program Organizer and Committee - National Employment Lawyers Association Mid-Year Seminar- Chicago - *Evidentiary Issues for The Plaintiff Employment Lawyer*
- \* December, 2002 - Panelist & Paper - ISBA Labor & Employment Section, Chicago. *Representing Whistleblowers Under the False Claims Act*
- \* January 2003 - Panelist & Paper - ABA National TeleConference on *Using Expert Witnesses in Labor and Employment Cases, The Trial Stage*
- \* June 2003 - panelist - National Employment Lawyers Association Fourteenth Annual Convention, Vail, Colorado - Panelist - *Building Your Case Through Depositions - Trial Advocacy Track*
- \* August 2003 - Panelist & Paper - ABA National Meeting, Section of Labor and Employment, San Francisco - Update: Equal Employment Opportunity - *Review of Desert Palace v. Costa*
- \* October 2003 - Panelist & Paper - Practicing Law Institute - Chicago - *Workplace Violence*
- \* November 2003 - Chicago Bar Association - Chicago - Panelist - Labor & Employment Committee - *Desert Palace v. Costa.*
- \* March 2004 - American Bar Association Labor and Employment Section - Employee Rights and Responsibility Committee Mid-year meeting, Palm Springs, Ca. - Trial Advocacy Track - *Trial Practice Tips*
- \* June 2004 - Panelist & Paper - National Employment Lawyers Association Annual Convention - *Representing Whistleblowers Under the False Claims Act*
- \* November 12, 2004 - Panelist & Paper: Illinois Public Sector Labor Relations Law Program, Kent Law School; *Litigating FLSA Cases in the Public Sector.*

- \* July 2005 - Paper presented - Association of Trial Lawyers of America, Toronto - *Litigating False Claims Act Cases*
- \* October 2005 - Panelist: Impact Litigation: Representing Workers in Class, Collective and Multiple Plaintiff Actions - *Litigating State Wage & Hour Claims*; National NELA Conference, Cambridge, Mass.
- \* October 2005 - Panelist - Practicing Law Institute - Chicago, Workplace *Electronic Evidence Discovery & Employment Litigation*
- \* October 2006 - Panelist - Practicing Law Institute - Chicago, Workplace *Use of Demonstrative Evidence in the Trial of Employment Cases*
- \* March 2007 - panelist - National Employment Lawyers Association Mid-year meeting, Chicago - *Representing Whistleblowers in Employment and False Claims Act cases*
- \* October 2007 - Panelist - Practicing Law Institute - Chicago, Workplace *Trial Evidence in Employment Cases - Plaintiffs' View*
- \* June 2008 Speaker - Contemporary Labor Relations Law, NLRB Region 13, Chicago Kent Law School - *Ethical Conflicts in Employment Cases*
- \* June 2008 Moderator Representing Whistleblowers - National Employment Lawyers Association Annual Convention, Atlanta.
- \* August 2008 Presentations to EEOC National Excel Meeting - *Ethics for Attorneys*, Chicago
- \* Fall, 2009 - Panelist - *Retaliation Under the False Claims Act*, Webinar, Taxpayers Against Fraud
- \* October 2009- Panelist - Practicing Law Institute - Chicago, Workplace *Direct Examination of Retaliation Plaintiff* (live)
- \* October, 2009 - Panelist and Moderator - *Proving Retaliation Under The False Claims Act*, presented at the Annual Conference of the Taxpayers Against Fraud, Washington, D.C.
- \* November, 2009 (ABA National Convention, Chicago)
- \* November, 2010 (ABA National Convention, Chicago)(Deposing Expert witnesses)
- \* November 2010 - Panelist and Co-Moderator - *Retaliation Updates* presented at the Annual Conference of the Taxpayers Against Fraud, Washington, D.C.
- \* 2010 NELA National Convention Committee Member (plans the national annual convention and speakers)
- \* 2011 NELA National Convention Committee Member

- \* 2011 NELA National Convention, New Orleans - Moderator, Retaliation Developments - New Laws
- \* 2012 NELA National Convention Committee Member
- \* June 2012 NELA National Convention  
Plenary Chair - Defense Playbook in Litigation (San Diego)
- \* November 2012, Chicago Bar Association, Year in Review with NLRB Regional Director
- \* March 2013 NELA Mid-Year Seminar - Panelist Preventing Wage Theft: Litigating Cases Involving Wages, Hours & Work, Chicago, IL
- \* Sept. 2013, CBA - YLS Civil Rights Comm.- *Schools Choice or Choice Schools - A few thoughts on charter schools, privatization, equity, justice and civil rights.*
- \* October 2013 NELA Fall Seminar Planning Comm. Member - Representing Workers in Whistleblower & Retaliation Actions (Washington, D.C.)
- \* 2013 National Employment Lawyers Association Mid-Year Representing Whistleblowers (Planning Committee & Speaker) (October, Washington, D.C.);
- \* 2014 ABA Annual Qui Tam Institute, Panelist (Washington, D.C.)
- \* Feb. 2014, Panelist for Labor & Employment Law Society (LELS) at Kent Law School - Know Your Rights, a paenl for law students as employees
- \* Sept. 2014, Presenter, National Lawyers Guild National Convention, Chicago, introduction of Plenary guest speaker, Karen Lewis, CTU
- \* Oct. 2014 - ABA L & E Law Section panelist, SOX, OSHA and Beyond: Litigating Whistleblower Claims at the U.S. Department of Labor
- \* Dec. 2014 - Panelist - Illinois Public Sector Labor Relations Conference, IIT Chicago -Kent College of Law, *Labor & Arbitral Remedies*
- \* March 2015, ABA ERR Midwinter Mtg., Naples, Florida - Panelist, *Whistleblower Cases*
- \* June 2015 National Employment Lawyers Association Annual Convention - Panelist - Common Interest Privilege (Atlanta)
- \* June 11, 2016 Guest Panelist, *Historical and Contemporary Perspectives on the African-American Civil Rights Struggle* - Gilder Institute - Bezazian Public Library
- \* June 2016 Panelist, Kent Law School - Region 13, NLRB - *Hot Topics IN Contemporary Labor Relations Law*, Lunchtime roundtable on Information Requests under Affordable Care Act

- \* Nov. 2016 (scheduled) ABA Annual L & E Law Meeting - speaker: *Trying Whistleblower Retaliation Cases*
- \* Author: *Overtime Wages and the Suffer or Permit to Work Standard under the Fair Labor Standards Act*, Illinois Public Employee Relations Report, Spring 2005, Vol. 22, No. 2 (Institute of Labor & Industrial Relations - Univ. Of Illinois and Chicago-Kent College of Law)
- \* Author: Employment Litigation and Practice, Matthew Bender, published by the National Employment Lawyers Association, *Duty of Fair Representation Litigation* chapter

### **SKILL AND EXPERIENCE**

11. For the last thirty-nine years (39) years, I have represented thousands of employees in civil rights, FLSA, FCA, discrimination, retaliation and employment cases, seeking to expand and protect the rights of employees and unions, including the following individual and class cases:

#### **Wage and Hour Cases**

*Silva et al. v. Sabatino's, Inc.*, No. 10 C 4226 (J. Pallmeyer) (Fed.R.Civ.P. Rule 23 class action and FLSA collective action certified in wage and hour restaurant case);

*Arango et al. v. Landry's et al.* No. 12 C 9354(J. St. Eve)(Fed.R.Civ.P. R. 23 and R. 216(b) class action and FLSA collective action settlement of \$2,570,000 - 30% common fund attorneys' fees)

*Sedys v. United Caregivers*, No. 12 C 812 (J. Kennelly)(confidential settlement)

*Gillespie et al v. Devry*, Case No. 09 CV 06041 (J. Hibbler)(nation-wide FLSA collective action conditionally certified for college admissions advisors);

*Hall v. Sterling Park District*, Nos. 08 C 50116 and 09 C 50146, 2011 U.S. Dist. LEXIS 48367 (N.D.Ill. 5/4/11)(Mag. Mahoney)(denial of summary judgment in individual wage & hour, age discrimination and retaliation case)(settlement);

*Kuhl v. Guitar Center*, Case No. 07 C 214 (J. Gottschall)(nation-wide FLSAand Rule 23 class for commissioned sales force; class settlement of \$2,870,000 - 9000 class members, 1/3 contingent fee awarded to class counsel);

*Osorio et al v. Sprint*, 08 C 3228 (J. Darrah) (nation-wide Rule 23 class wage and hour class action for commissioned sales force; class settlement of \$2,712,200 settlement, and 1/3 contingent fee awarded to class counsel);

*Cruz v. Unilock Chicago, Inc.*, (J. Colwell) 383 Ill. App. 3d 752; 892 N.E.2d 78; 322 Ill. Dec. 831 (1<sup>st</sup> Dist. 2008); certified class of 300 plant employees under IMWL and IWPCA; class-wide settlement of \$1,600,000;

*Lueders et al. v. 3M*, Case No. 08 C 4047 (J. Mihm)(C.D. IL); \$4,950,000 million overtime / doff & don class settlement for hourly employees at Cordova plant)(fees computed at \$515 / hour for Potter; \$360 / hour for Quimby and \$215 / hour for Taylor);

*Millage v. CRC*, Case No. 09 C 5834 (J. St. Eve)(FLSA-W& H case, confidential settlement);

*Cioe & Mynes v. GVCN, a/k/a Bamboo Room*, Case No. 05 CH 7829 (Cook Co.)(Prevailing parties - default judgment in FLSA and state W & H case; (11-07 Order granting default judgment and 2-15-08 Mem. Op., J. Mary Rochford awarding fees for 2007 and prior years @ \$495/hour for Robin Potter; \$300/hour for Associate Denise Quimby (2001 graduate) and \$195/hour for senior paralegal N. Alex Taylor; );

*O'Neil et al. v. Bar Louie*, Case No. 04 CH 8916 (J. Maki)(Class action overtime case - J. Maki (fees awarded in 2007 at \$495/hour for Robin Potter; \$300 / hour for Denise Kelleher and \$195/hour for senior paralegal Alex Taylor);

*Brooker et al. v. Rizzo's Live et al.*, Case No. 06 C 4308 (N.D. IL.)(J. Gottschall); FLSA and class settlement for restaurant workers;

*Vander Vennett v. AIU, et al.*, (J. Hart),Case No. 05 C 4889 (N.D.IL)(FLSA collective action - 300 college admissions advisors (confidential settlement)

*Finnigan v. AIU*, Case No. 03 CH 18335 (J. Quinn)(Cook) IMWL-IWPCA overtime action for college admissions advisors; defense judgment following trial;

*Skelton-Abbinanti v. AIU*, Case No. 03 C 9009 (J. Kennelly)(N.D. IL.) FLSA and FLSA retaliation case for college admissions advisors; (confidential settlement);

*Stallings v. City of Chicago*, Case No. 03 C 8977 (J. Holderman) (N.D. IL., FLSA overtime case for City of Chicago crossing guards)(settlement);

*Muecki v. A-Reliable, et al.*, Case No. 01 C 2361 (N.D. Ill.) (J. Kennelly) - Class action - FLSA overtime case for auto parts employees; ruling refusing to compel mandatory arbitration of FLSA claims (confidential settlement);

*Pauley v. A-Reliable, et al.*, Case No. 01 C 2359 (MJ. Keys); overtime and retaliatory discharge case; (confidential settlement);

*Guillebeaux v. Riteway, et al.*, Case No. 99 C 1043 (J. Hibbler) FLSA and wage and hour class action for gravel haulers/truck drivers; class settlement;

*Berry v. NW, et al.*, Case No. 98 CH 12167 (J. Foreman)(Cook); overtime class action for 140 hospital employees, settlement of \$300,000

*Bell v. UPS*, Case No. 94 CH 1658 (Cir. Ct. of Cook Co., IL.); \$7.25 million settlement of class action overtime case for 3000+ Illinois package car drivers;

*Johnson v. CHA*, Case No. 94 C 7692 (J. Plunkett) (N.D. Il.) \$2.5 million settlement in FLSA and Illinois overtime class action for CHA police officers;

### **Employment & Retaliation Cases**

*Chicago Teachers Union, Local No. 1, AFT v. Bd. of Educ. of Chi.*, 2011 U.S. App. LEXIS 6395 (7th Cir. Ill., Mar. 29, 2011) - affirming District Court injunction enjoining massive layoffs of teachers; per curiam decision reversing injunction, certifying questions to Illinois Supreme Court; - 2011 U.S. App. LEXIS 11977; 190 L.R.R.M. 3243 (June 13, 2011); rev'd. by Illinois Sup. Ct.

*McKinney v. Valley Fire Protection Systems, LLC, et al.*, No. 11 C 8043 (N.D.Ill.) (Feinerman, J. and MJ Kim)(race, age discrimination)(November 2012, fees awarded at petitioned hourly rate of \$525 /hour for Robin Potter and \$250 / hour for Alex Taylor).

*Blount v. Stroud, et al.*, 01 L 2330 (Cook County, IL. - J. Goldberg)(\$3.1million verdict for retaliatory discharge and retaliation under 42 U.S.C. §1981, November 2005; 376 Ill. App. 3d 935, 877 N.E.2d 49 (1<sup>st</sup> Dist. 2007)(verdict rev'd. on IDHR preemption grounds); PLA recon. granted to Illinois Supreme Court - 232 Ill. 2d 302, 904 N.E.2d 1 (2008)(reversing and remanding to Appellate Court), 395 Ill. App. 3d 8; 915 N.E.2d 925; 2009 Ill. App. LEXIS 553; 333 Ill. Dec. 854; 106 Fair Empl. Prac. Cas. (BNA) 1163 (1<sup>st</sup> Dist. - Oct. 6, 2009);(denying remaining post-trial appeals and reinstating jury verdict); *Rehearing den.*, 2009 Ill. App. LEXIS 1051 (Ill. App. Ct. 1st Dist., Oct. 2, 2009); defense appeal denied 2010 Ill. LEXIS 160 (Ill., Jan. 27, 2010); *cert den.*, 131 S. Ct. 503 (2010)(initial fee petition in amount of \$1,156,589 granted, 9-25-06, awarding Robin Potter \$475/hour and Alex Taylor \$170/hour; supplemental fees awarded in June 2012, based on hourly rates of Robin Potter \$525/hour; Alex Taylor \$225/hour; Denise Quimby \$325/hour; Joe Giambrone (paralegal - law student, \$75/hour; Kiki Mosley (paralegal, \$60/hour).

*Hall v. Sterling Park District*, Nos. 08 C 50116 and 09 C 50146, 2011 U.S. Dist. LEXIS 48367 (N.D.Ill. 5/4/11)(Mag. Mahoney)(denial of summary judgment in individual wage & hour, age discrimination and retaliation case; settlement before trial);



*Moore v. Board of Trustees, et al.*, Case No. 09 C 4470 (MJ Ashman) -whistleblower - retaliatory constructive discharge for exposing misuse of federal funds (confidential settlement);

*Perius v. Abbott*, Case No. 07 C 1251- 2009 U.S. Dist. LEXIS 5590 (N.D. IL. 6-26-09) (J. Coar) granting summary judgment on retaliatory discharge - whistleblower claims; and 7<sup>th</sup> Cir. Appeal and Case No. 09 L 8765 (J. Pierce); and Mem. Opinion, 2008 U.S. Dist. LEXIS 83775 (Mag. Brown) - granting and denying in part Motions to Compel and for Protective Orders, 8/20/2008. (confidential settlement);

*Serafinn v. IBT*, (N.D. IL. J. Kendall) jury verdict, upheld on appeal, 597 F.3d 908 (7<sup>th</sup> Cir. 2010)), (2007 fees awarded @ \$495/hour for Robin Potter and \$195/hour for senior paralegal Alex Taylor). see also, 2006 U.S. Dist. LEXIS 60949 (8-28-06 Summary Judgment Opinion); 2007 U.S. Dist. LEXIS 40731 (6-5-07 deciding post-trial motions); 414 BR 443 (10-6-09 - dismissal of improper one party creditor L.722 Chapter 11 Petition).

*West v. Ortho*, 405 F.3d 578 (7<sup>th</sup> Cir. 2005); (J. Leinenweber); Reversing directed verdict for defense in race discrimination case; remanded for trial; Confidential Settlement);

*Gissendanner v. Gerber, et al.*, Case No. 01 C 5988 (J. Andersen); race discrimination under Title VII and Section 1981) (confidential settlement, January, 2006);

*Jackson v. Lake Co.*, Case No. 01 C 6528 (J. Lefkow) - ADA case - \$325,000 verdict in 11/03 on emotional distress damages (11-7-03); + back pay judgment; (11/04); attorneys' fees petitioned at \$475.00 / hour in April 2005; case settled;

*EEOC v. The Dial Corporation*, Case No. 99 C 3356 (J.Urbom) (N.D. IL.) - Court appointed Special Master in classwide sexual harassment case)(\$450/hour fee paid and approved; Fall 2004);

*Kessel and Meador v. Cook County, et al.*, 00 C 3980 (N.D. Ill.)(J. Amy St. Eve) - 2001 U.S. Dist. LEXIS 10300 (N.D.Ill. July 17, 2001) - jury verdict of \$700,000 for Kessel in July, 2003 on Section 1983 / sex harassment claims - all pretrial discovery by Potter & Schaffner; trial by successor counsel; petitioned at rate of \$450.00 per hour in Fall, 2003; case settled;

*Kramarski v. Vill. of Orland Park*, 2002 U.S. Dist. LEXIS 14662 (N.D.Ill. Aug. 9, 2002) -(\$1 million settlement, Section 1983/ sex harassment claims; (J. Leinenweber);

*Price, et al. v. ComEd*, Case No. 99 C 5616 (N.D. IL., J. Kennelly)(class action and individual sexual harassment, confidential settlement);

*Eager v. Com Ed*, Case No. 01 C 3159 (J.Bucklo-MJ Mason)(sexual harassment and tort case, confidential settlement);

*Quinn v. Ultimo*, et al., Case No. 99 C 7268 (J. Holderman) (ADA discrimination case, attorneys' fees awarded as prevailing party in February 2001 at \$325.00 / hour for Robin Potter; \$235 / per hour for associate; \$100 per hour for paralegal Alex Taylor);

*Meeker v. City of Chicago*, Case No. 97 C 8946 (J. Kocoras) - 1998 U.S. Dist. LEXIS 9279 (N.D.Ill. 1998) - \$250,000 settlement, ADA case - \$300/hour attorneys' fee and \$100 per hour paralegal fee for N. Alex Taylor in July 1999);

*Nicosia v. SEIU and Williams*, et al., Case No. 98 C 3903 (J. Lindberg) (LMRDA - removal of union officer)(confidential settlement);

*Gee v. Textile Processors*, 164 LRRM (BNA) 2049 (N.D. Ill. 2000)(J. Pallmeyer - J. Kennelly) (representing UNITE and individual union members; preliminary injunction issued enjoining union merger, LMRDA - Title I);

*Rankin v. UPS*, Case No. 96-MI-307598 (Law Division)(retaliatory discharge for filing Bell class action overtime case)(confidential settlement);

*Kennedy v. Commercial Carriers, Inc.*, Case No. 89 CH 11486 (Duncan-Brice)(Cook) - \$2,313,142 verdict and interest on behalf of class of truck drivers for breach of lease agreement/contract; *affd.*, 1997 Ill. App. LEXIS 904 (1st Dist. 12/30/97);

*Cook v. McCarron*, Case No. 92 C. 7042 (J. Manning)(N.D. Illinois) - \$13.5 million class action settlement on behalf of 15,000 ERISA Fund participants;

*Gaul v. Crawford & Co.*, Case No. 95 C 586 (J. Holderman) (N.D. Ill.) (ADEA/breach of contract case; discovery sanctions and attorneys' fees awarded to plaintiff, with orders for electronic discovery and recovery)(confidential settlement)

*Agretti, et al. v. ANR*, 982 F.2d 242 (7th Cir. 1992) (J. Lindberg) -class settlement upheld -LMRA/LMRDA case;

*Daniels v. L. 597*, 53 FEP 1669 (J. Alesia)(N.D. Ill. 1990), *aff'd.*, 945 F.2d 906 (7<sup>th</sup> Cir. 1991), *cert. denied*, 112 S.Ct. 1514 (1992) (Title VII, Section 1981 [race] and LMRA jury verdict \$321,000; Consent Decree entered, 12/10/93, widespread class relief in individual case);

*Kennedy v. CCI*, 739 F. Supp. 406 (N.D. Ill. 1990) (J. Grady) - class action; union members' rights to pursue independent contract claims against employer upheld; LMRA/Section 301 preemption denied);



*Brooms v. Regal, et al.*, 881 F.2d 412 (7th Cir. 1989) *aff'd in part, rem'g in part*, 44 FEP 1119 (N.D. Ill. 1987)(J. Leinenweber) - Title VII sexual harassment & Section 1981 race discrimination case - established the prevailing reasonable woman standard in sexual harassment cases; (settled following jury verdict for plaintiff on Title VII claims)

*Thomas v. UPS*, 890 F.2d 909 (7th Cir. 1989) - LMRA Section 301 discharge case of Teamster union dissident and reformer; confidential settlement) (appointed following remand);

*Grant v. Chicago Truck Drivers Union*, 806 F.2d 114 (7th Cir. 1986) -Title I - equal rights, right to vote case;

*Brazinski v. Transport Service Co.*, 159 Ill. App.3d 1061, 513 N.E.2d 76 (1st Dist. 1987) - discharge of union member/whistleblower for filing wage claim in violation of Illinois public policy- (confidential settlement following remand);

*Lynn v. City of Chicago*, Case No. 86 C 2207 (J. Nordberg) -(Section 1983, 1st and 14th Amendment case - City's practice of improperly referring police officers for psychiatric exams enjoined; (confidential financial settlement);

*Glavas v. USWA, et al.*, Case No. 85 C 1077 (J. Mihm) (C.D. Ill.) -jury verdict for plaintiff on LMRDA Title I free speech and unlawful discipline claims; (confidential settlement following jury verdict for plaintiff)(J. Mihm);

*Bassett v. Teamsters Local 705*, 773 F.2d 932 (7th Cir. 1985) (J. Marshall) - LMRA case; futility of exhaustion of internal remedies under IBT Constitution established)(defense verdict at trial);

*Sako v. Teamsters Local 705*, 125 LRRM 2373 and 127 LRRM 2556 (N.D. Ill. 1987) - LMRDA Title I class case - rights to vote, free speech and assembly on contract ratification; (confidential settlement agreement);

*Conroy v. Teamsters Local 705*, 124 LRRM 3229, 3238, 3240 and 3246 (N.D. Ill. 1984-1985); LMRDA Title I class case - rights of free speech and to vote on contracts for union members; (confidential settlement);

*Vallone v. Teamsters*, 755 F.2d 520 (7<sup>th</sup> Cir. 1985) - LMRDA Title I - Right to Vote on Teamster contracts; summary judgment for defendants on LMRDA under DelCostello statute of limitations; *overruled* and expanded tort limitations period applied in *Cliff v. Int'l Union*, 881 F.2d 408 (7<sup>th</sup> Cir. 1989).

**False Claims Act Cases (Excludes cases under seal):**

*Absher v. Momence, et al.*, Case No. 04-2889 C.D. Il.; (J. Baker) - FCA- Nursing home abuse case; 2 week jury trial, tried to verdict by Matt Farmer, lead trial counsel, RPA; jury verdict on February 8, 2013 for Government damages in the amount of \$3,030,409 trebled to \$9,091,227; civil money penalties - 1,729 false claims x \$11,000 per claim = \$19,019,000; 3730(h) retaliation for Vanessa Absher (\$150,000); 3730(h) retaliation for Christine Mitchell (\$262,320) or a total verdict of \$28,522,547; Judgment entered 2-16-13 for \$9,503,547 - Government damages in the amount of \$3,030,409 trebled to \$9,091,227; in favor of the Vanessa Absher for \$150,000 and in favor of Christine Mitchell \$262,320 (rejecting statutory penalties of \$19,019,000 as violative of 8<sup>th</sup> A excessive fines); reversed on appeal, 2014 U.S. App. LEXIS 16063 (7<sup>th</sup> Cir. 8/20/14);

*USA ex rel Chandra*, Case No. 06 C 2191 (J. Holderman); Intervened False Claims Act- Qui Tam Medicare Fraud, \$20 million settlement and judgment);

*USA ex rel District Council of Carpenters v. Sound Solutions*, Case No. 09 C 6948 (N.D. Il., J. Nordberg)(intervened case, minority business enterprise fraud);

*USA ex rel Baltazar*, Case No. 09-2167, 635 F.3d 866 (7<sup>th</sup> Cir. 2011) (J. Norgle); Summary Judgment reversed on public disclosure/original source; USA amicus; Medicare - private carrier fraud;

*Howard v. Urban, et al.*, Case No. 03 C 7668 (J. Leinenweber) - whistleblower, retaliation and fraud case (embezzlement of CHA and HUD funds); numerous *Memorandum Opinions*, on Motions to Dismiss and for Summary Judgment; (\$125,000 verdict on retaliation/constructive discharge count) (Robin Potter, \$550/hr, Nieves Bolanos, \$300/hr, Alex Taylor, \$250/hr);

*USA ex rel Coose v. ANL*, Case No. 03 C 1949 (J. St. Eve) -Intervened and settled Grant Fraud Case; (2-20-08 Mem.Op. denying M-D on res judicata and affirming doctrine that DOJ, Court and relator approval is required for QT settlements);

*Toomey, et al., v. Maxwell Manor*, Case No. 00 C 1102 (N.D. IL.) - Intervened False Claims Act case - Nursing Home Abuse case, alleged to be a “house of death, terror and filth”; settlement with management company in November 2004 for \$1,898,000; \$55 million FCA default judgment entered in 1/05 and 3/05 against owner)(petitioned and paid by defendant at 2004 rate of \$450/hour for Robin Potter and \$160/hour for paralegal Alex Taylor). Established worthless services doctrine in settlement, with DOJ and law enforcement, residents moved from facility to safety due imminent jeopardy.

*USA ex rel. Dr. Raymond Pollak v. University of Illinois, et al.*, Case No. 99 C 710 (J. Leinenweber) - Intervened False Claims Act; partial settlements in 2003 of \$2.4 million on Medicare and Medicaid fraud, false hospitalizations in liver transplantation; billed and

paid hourly rate of \$450 per hour and multiplier, for 1999-2003 and earlier time; (individual employment and tort cases separate confidential settlement);

*USA ex rel. Grandeau v. Cancer Treatment Centers of America*, Case No. 99 C 8287 (N.D. IL.1)(J. Moran) - Medicare and Medicaid overbilling - reported decisions, including on motions to compel arbitration and dismiss *Qui Tam* claims

*USA ex rel., Figurski v. Forest Health Systems et al.*, (J. Grady)- Case No. 96 C 4663 (\$4.1 million settlement of intervened federal False Claims Action; separate retaliatory discharge claims under 31 U.S.C. §3730(h).

### **BILLING**

12. My current hourly billing rate, which I charge and receive from hourly clients for the current year and for which I bill in contingency cases unless a percentage of the recovery or a common fund is received, is \$600 per hour.

13. I am familiar with the billing rate in the Chicago area for litigation and civil rights attorneys with 15-20 years in practice.

14. I set the hourly rates for associate attorneys working in my firm based upon the market and our billing rate for their years of practice and experience. For attorneys with 20 years of experience, we bill our employment and trial attorneys at up to \$525.00 /hour, a rate higher than the \$450.00 sought by Mr. Randolph and Mr. Holloway in this case.

### **PLAINTIFF'S COUNSEL IN THIS CASE**

15. I am personally familiar with the qualifications of Plaintiff's counsels Justin G. Randolph and Philip Stephens Holloway. During his time as a management side employment litigator from 2000 to 2016, I faced Mr. Holloway in several employment related matters including *Moore v. Board of Trustees, et al.*, Case No. 09 C 4470 (M. Ashman), a whistleblower-retaliatory constructive discharge action. I have observed him in court, in depositions and in a

two-day mediation. I am also familiar with Mr. Randolph's skill, abilities and reputation in plaintiff-side employment matters, particularly his representation of employees in civil rights litigation against the federal government. In addition, I have worked with Mr. Randolph and Mr. Holloway on plaintiff-side employment related matters in the last two-years and have observed their abilities, skills and experience. I also followed the trial in this matter and noted that Mr. Lester was well-served by Mr. Randolph and Mr. Holloway in obtaining a successful verdict.

16. I am familiar with the type of skills and the work expended by Mr. Randolph and Mr. Holloway in Mr. Lester's case.

17. I understand that Attorneys Randolph and Holloway are seeking \$450.00 per hour for their representation of Mr. Lester for over 599 hours.

18. Based on my experience and knowledge of the hourly rates charged by my firm, plaintiffs' civil rights and litigation attorneys, it is my opinion that the rates sought by Mr. Randolph and Mr. Holloway are well within the range of hourly rates charged to paying clients by attorneys of similar skill, reputation and ability.

19. In particular, it is my opinion that given the nature and scope of this litigation and the excellent results, the hours and hourly rates sought by Mr. Randolph and Mr. Holloway are reasonable and well within the range of rates charged in these types of cases or by paying clients by attorneys of similar skill, reputation and ability in this legal market.

Under penalties of perjury, under the laws of the United States and pursuant to 28 U.S.C. §1946 the undersigned certifies the statements set forth in this declaration are true and correct.

A handwritten signature in black ink that reads "Robin Potter". The signature is written in a cursive, flowing style.

Robin Potter

Dated: 11/14/2018

**USAO ATTORNEY'S FEES MATRIX — 2015-2018***Revised Methodology starting with 2015-2016 Year*

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18
31+ years	568	581	602
21-30 years	530	543	563
16-20 years	504	516	536
11-15 years	455	465	483
8-10 years	386	395	410
6-7 years	332	339	352
4-5 years	325	332	346
2-3 years	315	322	334
Less than 2 years	284	291	302
Paralegals & Law Clerks	154	157	164

*Explanatory Notes*

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.* 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. Because the USAO rates for the years 2014-15 and earlier have been generally accepted as reasonable by courts in the District of Columbia, see note 9 below, the USAO rates for those years will remain the same as previously published on the USAO's public website. That is, the USAO rates for years prior to and including 2014-15 remain based on the prior methodology, *i.e.*, the original *Laffey* Matrix updated by the CPI-U for the Washington-Baltimore area. See *Citizens for Responsibility & Ethics in Washington v. Dep't of Justice*, --- F. Supp. 3d ---, 2015 WL 6529371 (D.D.C. 2015) and Declaration of Dr. Laura A. Malowane filed therein on Sept. 22, 2015 (Civ. Action No. 12-1491, ECF No. 46-1) (confirming that the USAO rates for 2014-15 computed using prior methodology are reasonable).
5. Although the USAO will not issue recalculated *Laffey* Matrices for past years using the new methodology, it will not oppose the use of that methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods prior to June 2015, provided that methodology is used consistently to calculate the entire fee amount. Similarly, although the USAO will no longer issue an updated *Laffey* Matrix computed using the prior methodology, it will not oppose the use of the prior methodology (if properly applied) to calculate reasonable attorney's fees under applicable fee-shifting statutes for periods after May 2015, provided that methodology is used consistently to calculate the entire fee amount.
6. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). See *Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. See, *e.g.*, *EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.
7. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, \$150 for 2014-15) updated with the PPI-OL index. The formula is \$150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
8. The USAO anticipates periodically revising the above matrix if more recent reliable survey data becomes available, especially data specific to the D.C. market, and in the interim years updating the most recent survey data with the PPI-OL index, or a comparable index for the District of Columbia if such a locality-specific index becomes available.
9. Use of an updated *Laffey* Matrix was implicitly endorsed by the Court of Appeals in *Save Our Cumberland Mountains v. Hodel*, 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc). The Court of Appeals subsequently stated that parties may rely on the updated *Laffey* Matrix prepared by the USAO as evidence of prevailing market rates for litigation counsel in the Washington, D.C. area. See *Covington v. District of Columbia*, 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995), *cert. denied*, 516 U.S. 1115 (1996). Most lower federal courts in the District of Columbia

have relied on the USAO's *Laffey* Matrix, rather than the so-called "*Salazar* Matrix" (also known as the "LSI Matrix" or the "Enhanced *Laffey* Matrix"), as the "benchmark for reasonable fees" in this jurisdiction. *Miller v. Holzmann*, 575 F. Supp. 2d 2, 18 n.29 (D.D.C. 2008) (quoting *Pleasants v. Ridge*, 424 F. Supp. 2d 67, 71 n.2 (D.D.C. 2006)); see, e.g., *Joaquin v. Friendship Pub. Charter Sch.*, 188 F. Supp. 3d 1 (D.D.C. 2016); *Prunty v. Vivendi*, 195 F. Supp. 3d 107 (D.D.C. 2016); *CREW v. U.S. Dep't of Justice*, 142 F. Supp. 3d 1 (D.D.C. 2015); *McAllister v. District of Columbia*, 21 F. Supp. 3d 94 (D.D.C. 2014); *Embassy of Fed. Republic of Nigeria v. Ugwuonye*, 297 F.R.D. 4, 15 (D.D.C. 2013); *Berke v. Bureau of Prisons*, 942 F. Supp. 2d 71, 77 (D.D.C. 2013); *Fisher v. Friendship Pub. Charter Sch.*, 880 F. Supp. 2d 149, 154-55 (D.D.C. 2012); *Sykes v. District of Columbia*, 870 F. Supp. 2d 86, 93-96 (D.D.C. 2012); *Heller v. District of Columbia*, 832 F. Supp. 2d 32, 40-49 (D.D.C. 2011); *Hayes v. D.C. Public Schools*, 815 F. Supp. 2d 134, 142-43 (D.D.C. 2011); *Queen Anne's Conservation Ass'n v. Dep't of State*, 800 F. Supp. 2d 195, 200-01 (D.D.C. 2011); *Woodland v. Viacom, Inc.*, 255 F.R.D. 278, 279-80 (D.D.C. 2008); *American Lands Alliance v. Norton*, 525 F. Supp. 2d 135, 148-50 (D.D.C. 2007). But see, e.g., *Salazar v. District of Columbia*, 123 F. Supp. 2d 8, 13-15 (D.D.C. 2000). Since initial publication of the instant USAO Matrix in 2015, multiple courts similarly have employed the USAO Matrix rather than the *Salazar* Matrix for fees incurred since 2015. E.g., *Electronic Privacy Information Center v. United States Drug Enforcement Agency*, --- F. Supp. 3d ---, 2017 U.S. Dist. LEXIS 111175, at \*17 (D.D.C. 2017) ("After examining the case law and the supporting evidence offered by both parties, the Court is persuaded that the updated USAO matrix, which covers billing rates from 2015 to 2017, is the most suitable choice here.") (requiring re-calculation of fees that applicant had computed according to *Salazar* Matrix); *Clemente v. FBI*, No. 08-1252 (BJR) (D.D.C. Mar. 24, 2017), slip op. at 9-10 (applying USAO Matrix, as it is "based on much more current data than the *Salazar* Matrix"). The USAO contends that the *Salazar* Matrix is fundamentally flawed, does not use the *Salazar* Matrix to determine whether fee awards under fee-shifting statutes are reasonable, and will not consent to pay hourly rates calculated with the methodology on which that matrix is based.



# GROUP EXHIBIT B

## UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

Rodney Lester

v.

Peter O'Rourke, Secretary, Department of  
Veterans Affairs

Case No.: 17-cv-01772

## BILL OF COSTS

Judgment having been entered in the above entitled action on \_\_\_\_\_ against Defendant \_\_\_\_\_,   
*Date*  
 the Clerk is requested to tax the following as costs:

Fees of the Clerk .....	\$ 400.00
Fees for service of summons and subpoena .....	
Fees for printed or electronically recorded transcripts necessarily obtained for use in the case .....	2,020.88
Fees and disbursements for printing .....	
Fees for witnesses ( <i>itemize on page two</i> ) .....	0.00
Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case. ....	
Docket fees under 28 U.S.C. 1923 .....	
Costs as shown on Mandate of Court of Appeals .....	
Compensation of court-appointed experts .....	
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 .....	
Other costs ( <i>please itemize</i> ) .....	
TOTAL	\$ 2,420.88

**SPECIAL NOTE:** Attach to your bill an itemization and documentation for requested costs in all categories.

## Declaration

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill has been served on all parties in the following manner:



Electronic service



First class mail, postage prepaid



Other: \_\_\_\_\_

s/ Attorney: Justin G. RandolphName of Attorney: Justin G. Randolph

For: \_\_\_\_\_ Plaintiff  
*Name of Claiming Party*

Date: 11/14/2018

## Taxation of Costs

Costs are taxed in the amount of \_\_\_\_\_ and included in the judgment.

By: \_\_\_\_\_

*Clerk of Court**Deputy Clerk**Date*

Witness Fees (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME , CITY AND STATE OF RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
					<b>TOTAL</b>		<b>\$0.00</b>

**NOTICE**

**Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:**  
“Sec. 1924. Verification of bill of costs.”  
“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

**See also Section 1920 of Title 28, which reads in part as follows:**  
“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

**The Federal Rules of Civil Procedure contain the following provisions:**  
**RULE 54(d)(1)**  
Costs Other than Attorneys’ Fees.  
Unless a federal statute, these rules, or a court order provides otherwise, costs — other than attorney's fees — should be allowed to the prevailing party. But costs against the United States, its officers, and its agencies may be imposed only to the extent allowed by law. The clerk may tax costs on 14 day’s notice. On motion served within the next 7 days, the court may review the clerk’s action.

**RULE 6**  
(d) Additional Time After Certain Kinds of Service.  
When a party may or must act within a specified time after service and service is made under Rule5(b)(2)(C), (D), (E), or (F), 3 days are added after the period would otherwise expire under Rule 6(a).

**RULE 58(e)**  
Cost or Fee Awards:  
Ordinarily, the entry of judgment may not be delayed, nor the time for appeal extended, in order to tax costs or award fees. But if a timely motion for attorney's fees is made under Rule 54(d)(2), the court may act before a notice of appeal has been filed and become effective to order that the motion have the same effect under Federal Rule of Appellate Procedure 4(a)(4) as a timely motion under Rule 59.

# INVOICE



Justin Randolph  
Law Office Of Justin G. Randolph  
53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No.	Invoice Date	Job No.
398085	12/21/2017	177082
Job Date	Case No.	
12/20/2017	17 CV 1772	
Case Name		
Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs		
Payment Terms		
Net 30		

**TRANSCRIPT NOT ORDERED**

Jeff Fears

Attendance (2-hour Minimum)

3.00 Hour(s)

210.00

**TOTAL DUE >>>****\$210.00**

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(-) Payments/Credits: 0.00

(+) Finance Charges/Debits: 0.00

(=) New Balance: **\$210.00****Tax ID:** 47-2685460

Phone: 312-663-1560 Fax: 312-277-7432

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Law Office Of Justin G. Randolph  
53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No. : 398085  
Invoice Date : 12/21/2017  
**Total Due : \$210.00**

Remit To: **Lexitas**  
**180 North LaSalle Street, Suite 2800**  
**Chicago, IL 60601**

Job No. : 177082  
BU ID : 1-MAIN  
Case No. : 17 CV 1772  
Case Name : Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs

# INVOICE



Justin Randolph  
 Law Office Of Justin G. Randolph  
 53 West Jackson Boulevard  
 Suite 1234  
 Chicago, IL 60604

Invoice No.	Invoice Date	Job No.
398122	12/26/2017	177164
Job Date	Case No.	
12/21/2017	17 CV 1772	
Case Name		
Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs		
Payment Terms		
Net 30		

TRANSCRIPT NOT ORDERED

Amy Deschane

Attendance (2-hour Minimum)

5.00 Hour(s)

350.00

TRANSCRIPT NOT ORDERED

Chad Babcock

No Charges Attached to Witness

0.00

**TOTAL DUE >>>**

**\$350.00**

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**(-) Payments/Credits:** 0.00

**(+) Finance Charges/Debits:** 0.00

**(=) New Balance:** **\$350.00**

**Tax ID:** 47-2685460

Phone: 312-663-1560 Fax: 312-277-7432

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 53 West Jackson Boulevard  
 Suite 1234  
 Chicago, IL 60604

Invoice No. : 398122  
 Invoice Date : 12/26/2017  
**Total Due : \$350.00**

Remit To: **Lexitas**  
**180 North LaSalle Street, Suite 2800**  
**Chicago, IL 60601**

Job No. : 177164  
 BU ID : 1-MAIN  
 Case No. : 17 CV 1772  
 Case Name : Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs

# INVOICE



Philip S. Holloway  
Law Office Of Justin G. Randolph  
53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No.	Invoice Date	Job No.
401974	2/16/2018	177164
Job Date	Case No.	
12/21/2017	17 CV 1772	
Case Name		
Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs		
Payment Terms		
Net 30		

**CERTIFIED TRANSCRIPT**

Amy Deschane - Backwrite	103.00 Page(s)	295.61
Electronic Transcript		35.00
Original Exhibits Returned Via Courier	31.00	620.00

**CERTIFIED TRANSCRIPT**

Chad W. Babcock - Backwrite	80.00 Page(s)	229.60
Electronic Transcript		35.00

---

**TOTAL DUE >>> \$1,215.21**

Ordered on 2-16-18

Notification sent on 2-16-18

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**(-) Payments/Credits:** 1,215.21

**(+) Finance Charges/Debits:** 0.00

**(=) New Balance:** **\$0.00**

**Tax ID:** 47-2685460

Phone: 312-663-1560 Fax: 312-277-7432

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Law Office Of Justin G. Randolph  
53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No. : 401974  
Invoice Date : 2/16/2018  
**Total Due : \$0.00**

Remit To: **Lexitas**  
**180 North LaSalle Street, Suite 2800**  
**Chicago, IL 60601**

Job No. : 177164  
BU ID : 1-MAIN  
Case No. : 17 CV 1772  
Case Name : Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs

# INVOICE



Philip S. Holloway  
Law Office Of Justin G. Randolph  
53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No.	Invoice Date	Job No.
401976	2/16/2018	177082
Job Date	Case No.	
12/20/2017	17 CV 1772	
Case Name		
Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs		
Payment Terms		
Net 30		

**CERTIFIED TRANSCRIPT**

Jeff Fears - Backwrite	131.00 Page(s)	375.97
Electronic Transcript		35.00
Original Exhibits Returned Via Courier		20.00
<b>TOTAL DUE &gt;&gt;&gt;</b>		<b>\$430.97</b>

Ordered on 2-16-18

Notification sent on 2-16-18

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<b>(-) Payments/Credits:</b>	430.97
<b>(+) Finance Charges/Debits:</b>	0.00
<b>(=) New Balance:</b>	<b>\$0.00</b>

**Tax ID:** 47-2685460

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53 West Jackson Boulevard  
Suite 1234  
Chicago, IL 60604

Invoice No. : 401976  
Invoice Date : 2/16/2018  
**Total Due : \$0.00**

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**Chicago, IL 60601**

Job No. : 177082  
BU ID : 1-MAIN  
Case No. : 17 CV 1772  
Case Name : Lester vs. Shulkin, as Secretary, U.S. Department of Veterans Affairs

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Invoice No.	Invoice Date	Job No.
26183	3/12/2018	22584
Job Date	Case No.	
12/13/2017	17 C 1772	
Case Name		
LESTER V SHULKIN		
Payment Terms		
Due upon receipt		

JUSTIN G. RANDOLPH  
 LAW OFFICE OF JUSTIN G. RANDOLPH  
 53 W. JACKSON BOULEVARD  
 SUITE 1234  
 CHICAGO, IL 60604

## 1 COPY OF TRANSCRIPT OF:

RODNEY LESTER  
 Exhibit

129.00 Pages 393.45  
 85.00 Pages 21.25

**TOTAL DUE >>> \$414.70**

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 (=) New Balance: **\$414.70**

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Invoice No. : 26183  
 Invoice Date : 3/12/2018  
**Total Due : \$414.70**

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**SUITE 2007**  
**CHICAGO, IL 60603**

Job No. : 22584  
 BU ID : 1-NEW  
 Case No. : 17 C 1772  
 Case Name : LESTER V SHULKIN